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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,677	03/18/2004	Timothy G. Offerle	81095828FGT1910	2676

28549 7590 06/06/2008  
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EXAMINER
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SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3683

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,677	<b>Applicant(s)</b> OFFERLE ET AL.
	<b>Examiner</b> Christopher P. Schwartz	<b>Art Unit</b> 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on March 19, 2008, PROSECUTION IS HEREBY REOPENED. See the Final action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Robert A. Siconolfi/

Supervisory Patent Examiner, Art Unit 3683

2. Prosecution being re-opened due to the inadvertent use of the U.S. patent to Fischer, instead of the WO 2004/007232 publication to Fischer (January 22, 2004) which antedates applicant's filing date of March 18, 2004. The previous Final Office action has been repeated below using the WO '232 document in place of the patent, although the patent has been used as a translation.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-27,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto '760 in view of the WO 2004/007232 publication to Fischer (WO '232).

Regarding claims 1,12,21 Okamoto discloses a parking assist system for backing of a vehicle and states in the abstract that "A vehicle image VI is superposed on a desired parking position of the vehicle in the rear area image FI, and a predicted vehicle route image TR1 is generated within the predetermined area based on a steering angle and an initial position of the vehicle, while an actual vehicle route image TR2 is generated based on actual steering angles and positions of the vehicle.". As discussed in col. 1 lines 40-43 this system uses a display screen. Note the "reverse direction

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signal” is generated when the vehicle is simply put into “reverse”, via the transmission shift lever, i.e. transmission controller, at which point the rear-view picture is generated on the display screen.

Lacking in Okamoto is a specific discussion of using the system with a trailer.

The reference to Fischer WO '232 discusses in columns 9 and 10 (of the patent) that such parking assist systems (using an “optical display”) can be used with trailers. See col. 9 lines 43-45. At the top of column 10 Fischer et al. states that the trailer angle between the vehicle and the trailer can be registered by means of trailer angle sensors known per se. On lines 4-7 of col. 10 Fischer et al. states that “during the driving maneuver, the steering wheel position which the driver has to set in order that the actually registered trailer angle  $B_{act}$  corresponds to the desired trailer angle  $B_{des}$  is displayed to the driver.”. Fischer et al. Uses brake steer to bring the actual trailer angle into conformance with the desired trailer angle. See col. 9 lines 15-27 and col. 10 lines 13-20.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the system of Okamoto to include the ability to park the vehicle while towing a trailer, as taught by Fischer et al., since many vehicles include the option of equipping them with a towing package and this modification would expand the capability of such a towing vehicle.

The limitations of the rest of the claims are taught by the combined teachings of the references above and what is well known in the art.

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6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto '760 in view of WO '232, as applied to claim 21 above, and further in view of Yoshioka et al. '357.

Regarding claim 28 Okamoto '760, as modified, lacks using an ultrasonic sensor for the detection of a distance to an object.

Yoshioka et al. '357 teaches this at 27. Note the other devices taught in Yoshioka et al. to assist driver navigation.

One having ordinary skill in the art at the time of the invention would have found it obvious to have further modified Okamoto '760 with an ultrasonic sensor to aid in object detection and assist the driver in avoiding a collision with such when backing up the trailer.

7. Claims 1-27,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2004/007232 publication to Fischer (WO '232)in view of Okamoto '760.

Regarding claims 1-27,29,30 WO '232 and Okamoto '760 are relied upon as above in that the device of Fischer et al. states in col. 9 lines 43-45 that system can be used with a trailer and that braking force is used to bring the actual trailer angle into conformance with a desired trailer angle.

Lacking in Fischer et al. is a specific discussion of sensing a current position of the trailer relative to the vehicle and, from this, determining a predicted position.

However, as previously explained, the reference to Okamoto teaches this known concept. See the abstract.

To have modified Fischer et al. with the concept taught by Okamoto would have been obvious to the ordinary skilled worker in the art as an obvious alternative equivalent means of determining the intended position of the trailer and displaying it to the driver on a display screen. This may make the parking of some types of trailers easier.

The limitations of the rest of the claims are taught by the combined teachings of the references above and what is well known in the art.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '232 in view of Okamoto '760 as applied to claim 21 above, and further in view of Yoshioka et al. '357.

Regarding claim 28 Fischer et al. '101, as modified, lacks using an ultrasonic sensor for the detection of a distance to an object.

Yoshioka et al. '357 teaches this at 27. Note the other devices taught in Yoshioka et al. to assist driver navigation.

One having ordinary skill in the art at the time of the invention would have found it obvious to have further modified Fischer et al. '101 with an ultrasonic sensor to aid in object detection and assist the driver in avoiding a collision with such when backing up the trailer.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P. Schwartz/

Primary Examiner, Art Unit 3683